

Days of Prayer on November 4 and November 5, 1995, and a World War II Education Day across America on November 8, 1995, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that period with appropriate ceremonies and activities;

(B) commemorations during the "Week of National Remembrance and the Closing of the Fiftieth Anniversary of World War II" shall include the dedication of the future site of the Nation's World War II Memorial in Washington, D.C.;

(3) Veterans Day, November 11, 1995, is designated as a "National Day of Observance and Celebration of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities; and

(4) each State Governor and each chief executive of each political subdivision of each State, is urged to issue a proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to participate on November 11, 1995, at 11 a.m., in the ringing of the Bells of Peace and Freedom by striking all bells of the Nation 50 times to signify the 50 years without a world war and the world's hope to achieve another 50 years of peace and freedom.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1996

BINGAMAN AMENDMENTS NOS. 2829-2831

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill (H.R. 2076) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes, as follows:

AMENDMENT NO. 2829

On page 16, line, 26, strike "\$790,000,000 and insert "\$789,900,000".

On page 120, between lines 9 and 10, insert the following:

COMPETITIVENESS POLICY COUNCIL

For necessary expenses of the Competitiveness Policy Council, \$100,000.

AMENDMENT NO. 2830

On page 93, between lines 9 and 10, insert the following:

And also provided, That by May 31, 1996, the State Department will report to the President and to Congress on potential cost savings generated by extending foreign service officer tours of duty in nations for which the State Department requires two-year language study programs, but specifically including China, Korea, and Japan. This study should consider extending terms on the following basis: junior officers from the current two year maximum term to a three-year tour; and mid to senior foreign service officers from the current three year minimum term to four year minimum with a possible employee-initiated one year extension.

AMENDMENT NO. 2831

At the appropriate place, insert the following:

SEC. ____ ENERGY SAVINGS AT FEDERAL FACILITIES.

(A) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

HATFIELD (AND OTHERS) AMENDMENT NO. 2832

(Ordered to lie on the table.)

Mr. HATFIELD (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. BUMPERS, Mr. HARKIN, and Mr. PELL) submitted an amendment intended to be proposed by them to the bill H.R. 2076, supra, as follows:

On page 162, between lines 6 and 7, insert the following new title:

TITLE VIII—CODE OF CONDUCT ON ARMS TRANSFERS

SEC. 801. SHORT TITLE.

This title may be cited as the "Code of Conduct on Arms Transfers Act of 1995".

SEC. 802. FINDINGS.

The Congress finds the following:

(1) Approximately 40,000,000 people, over 75 percent civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the Cold War, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(2) Conflict has actually increased in the post-Cold War era, with 34 major wars in progress during 1993.

(3) War is both a human tragedy and an ongoing economic disaster affecting the entire world, including the United States and its economy, because it decimates both local investment and potential export markets.

(4) International trade in conventional weapons increases the risk and impact of war in an already over-militarized world, creating far more costs than benefits for the United States economy through increased United States defense and foreign assistance spending and reduced demand for United States civilian exports.

(5) The newly established United Nations Register of Conventional Arms can be an effective first step in support of limitations on the supply of conventional weapons to developing countries, and compliance with its reporting requirements by a foreign government can be an integral tool in determining the worthiness of such government for the receipts of United States military assistance and arms transfers.

(6) It is in the national security and economic interests of the United States to reduce dramatically the \$1,038,000,000,000 that all countries spend on armed forces every year, \$242,000,000,000 of which is spent by developing countries, an amount equivalent to 4 times the total bilateral and multilateral foreign assistance such countries receive every year.

(7) According to the Congressional Research Service of the Library of Congress, the United States supplies more conventional weapons to developing countries than all other countries combined, averaging \$14,956,000,000 each year in agreements to supply such weapons to developing countries since the end of the Cold War, compared to \$7,300,000,000 each year in such agreements prior to the dissolution of the Soviet Union.

(8) In recent years the vast majority of United States arms transfers to developing countries are to countries with an undemocratic form of government whose citizens, according to the Department of State Country Reports on Human Rights Practices do

not have the ability to peaceably change their form of government.

(9) Although a goal of United States foreign policy should be to work with foreign governments and international organizations to reduce militarization and dictatorship and therefore prevent conflicts before they arise, during 4 recent deployments of United States Armed Forces—to the Republic of Panama, the Persian Gulf, Somalia, and Haiti—the Armed Forces faced conventional weapons that had been provided or financed by the United States to undemocratic governments.

(10) The proliferation of conventional arms and conflicts around the globe is a multilateral problem, and the fact that the United States has emerged as the world's primary seller of conventional weapons, together with the world leadership role of the United States, signifies that the United States is in a position to seek multilateral restraints on the competition for and transfers of conventional weapons.

(11) The Congress has the constitutional responsibility to participate with the executive branch of Government in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(12) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, is currently engaged in acts of armed aggression, or is not fully participating in the United Nations Register of Conventional Arms, should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do not apply.

SEC. 803. PURPOSE.

The purpose of this title is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 804. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), no funds may be made available under any provision of law to provide United States military assistance or arms transfers to a foreign government for a fiscal year unless the President certifies to the Congress for that fiscal year that such government meets the following requirements:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

- (i) extrajudicial or arbitrary executions;
- (ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN UNITED NATIONS REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to the Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTION.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(1) the President submits a request for an exemption to the Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfers to such government; and

(2) the Congress enacts a law approving such exemption request.

(d) NOTIFICATION TO CONGRESS.—The President shall submit to the Congress initial certifications under subsection (a) and requests for exemptions under subsection (c) in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

SEC. 805. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate should hold hearings on controversial certifications submitted under section 804(a) and all requests for exemptions submitted under section 804(c).

SEC. 806. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this title, the terms "United States military assistance and arms transfers" and "military assistance and arms transfers" means—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training);

(3) assistance under the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act; or

(4) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles and defense services licensed or approved for export under section 38 of that Act.

HELMS AMENDMENTS NOS. 2833–2837

(Ordered to lie on the table.)

Mr. HELMS submitted five amendments intended to be proposed by him to the bill H.R. 2076, *supra*, as follows:

AMENDMENT NO. 2833

In lieu of the matter proposed to be inserted by the amendment, insert the following: "Provided, That none of the funds appropriated or otherwise made available under this heading may be available to carry out any purpose other than—

"(1) the abolition of the United States Arms Control and Disarmament Agency on a date which is not later than 60 days after the date of enactment of this Act,

"(2) the transfer to the Secretary of State prior to the abolition of the Agency of all functions vested by law in, or exercised by, the Director of the Agency, the Agency itself, or any officer, employee, or component thereof, immediately prior to the date of transfer, and

"(3) the transfer to the Secretary of State prior to the abolition of the Agency of all personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances or appropriations and other funds employed, used, held, arising from, available to, and to be made available in connection with, functions transferred under paragraph (2)."

AMENDMENT NO. 2834

On page 110, between lines 2 and 3, insert the following new section:

SEC. 405. PROHIBITION ON PROVISION OF UNITED STATES ARMED FORCES TO UNITED NATIONS OPERATIONS.

Section 628 of the Foreign Assistance Act of 1961 shall not apply to the detail, assignment, or other availability of forces of the Armed Forces of the United States to the United Nations or United Nations-related activities, including United Nations peacekeeping activities.

AMENDMENT NO. 2835

On page 110, between lines 2 and 3, insert the following new section:

SEC. . PLAN FOR CONSOLIDATION OF FUNCTIONS OF THE INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) WITHHOLDING OF FUNDS.—Of the funds appropriated or otherwise made available in this title—

(1) \$36,327,600 for "SALARIES AND EXPENSES" of the Department of State,

(2) \$44,564,500 for "SALARIES AND EXPENSES" of the United States Information Agency, and

(3) \$4,000,000 for "SALARIES AND EXPENSES" of the United States Arms Control and Disarmament Agency, shall be available only after—

(A) a plan that merges and consolidates the functions and activities of the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency into the Department of State or other appropriate agencies has been submitted to Congress in accordance with subsection (c), and

(B) the Congress has not enacted a joint resolution disapproving the plan in accordance with subsection (d).

(b) **RESTRICTION ON SALARIES AND EXPENSES.**—None of the funds appropriated or otherwise made available in this title may be expended to finance salaries and expenses for the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency except in accordance with the terms and requirements of sections 402 and sections 605 of this Act.

(c) **ADDITIONAL REQUIREMENTS.**—A plan described in subsection (a) is a plan—

(1) which is submitted by the President to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives within 60 days of the date of enactment of this Act; and

(2) which contains a certification and accounting by the Director of the Office of Management and Budget that the Director estimates the plan will provide for a savings in budgetary authority in the major budget functional category 150 (relating to international affairs) \$2,700,000,000 during the period beginning October 1, 1995 and ending September 30, 1999.

(d) **CONSIDERATION OF PLANS.**—Any such plan submitted under subsection (c)(1) shall be considered under the procedures of subsections (c), (d), (e), (f), and (g) of section 2908 of Public Law 101-510, except that—

(1) any reference therein to a resolution shall apply to a joint resolution introduced into a House of Congress by the Majority Leader of that House proposing the plan;

(2) the 20-day period referred to in section 2908(c) shall commence on the date the joint resolution is introduced;

(3) one germane floor amendment shall be in order, and debate thereon limited to one hour, equally divided in the usual form;

(4) section 2908(e) shall apply only if the text of the joint resolutions of each House are identical;

(5) if they are not identical, debate on any motion to resolve differences between the Houses and any conference report on such joint resolution shall be limited to one hour; and

(6) debate on any veto message on such joint resolution shall be limited to one hour.

AMENDMENT NO. 2836

On page 95, after line 7, before the period at the end of the line insert the following provisos: “: *Provided further*, That of the funds appropriated or otherwise made available in this paragraph, \$36,327,600 shall be available only after a plan that merges and consolidates the functions and activities of the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency into the Department of State or other appropriate agencies has been submitted to Congress, and not disapproved by statutory enactment, in accordance with this paragraph: *Provided further*, That none of the funds appropriated under this title may be expended to finance salaries and expenses for the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency except in accordance with the terms and requirements of sections 402 and sections 605 of this Act: *Provided further*, That such a plan shall be submitted to the Committees on Appropriations and on Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives: *Provided further*, That the

President shall submit such plan within 60 days of the date of enactment of this Act: *Provided further*, That the President's plan shall provide for a budgetary savings in the major budget functional category 150 (relating to international affairs) \$2,700,000,000 during the period beginning October 1, 1995 and ending September 30, 1999. *Provided further*, That these savings shall be accounted for and certified by the Director of the Office of the Management and Budget at the time the plan is submitted: *Provided further*, That any such plan submitted under this paragraph shall be considered under the procedures of subsections (c), (d), (e), (f), and (g) of section 2908 of Public Law 101-510, except for the following conditions: That any reference therein to a resolution shall apply to the joint resolution introduced by the Majority Leaders of each House proposing the plan; the 20-day period referred to in section 2908(c) shall commence on the date the joint resolution is introduced; one germane floor amendment shall be in order, and debate thereon limited to one hour, equally divided in the usual form; section 2908(e) shall apply only if the text of the joint resolutions of each House are identical; if they are not identical, debate on any motion to resolve differences between the Houses and any conference report on such joint resolution shall be limited to one hour; and debate on any veto message on such joint resolution shall be limited to one hour”.

AMENDMENT NO. 2837

At the appropriate place in the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES.

(a) **LIMITATION.**—(1) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act or any other Act for any fiscal year shall be made available for the issuance of a visa to, or the admission to the United States of, any alien who has confiscated, or has directed or overseen the confiscation of, property the claim to which is owned by a national of the United States, or converts or has converted for personal gain confiscated property the claim to which is owned by a national of the United States.

(2) Nothing in this subsection may be construed or applied as inconsistent with the North American Free Trade Agreement, the General Agreement on Tariffs and Trade, or any other applicable international agreement.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to claims arising from territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(c) **REPORT REQUIREMENT.**—(1) The United States Embassy in each country shall provide the Secretary of State with a list of foreign nationals in that country who have confiscated properties of United States citizens and have not fully resolved the cases with the United States citizens.

(2) No later than six months after the date of the enactment of this Act, the Secretary of State shall submit each list provided under paragraph (1) to the appropriate congressional committees.

(3) Not later than one year after the date of the enactment of this Act, and not later than February 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of foreign nationals denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of foreign nationals refused entry to the United States, as a result of this section.

HATCH (AND OTHERS) AMENDMENT NO. 2838

Mr. HATCH (for himself, Mr. DOLE, Mr. REID, Mr. THURMOND, Mr. SPECTER, Mr. KYL, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. GRAMM, Mr. SANTORUM, Mr. GRASSLEY, Mr. BROWN, Mr. D'AMATO, Mr. MCCONNELL, and Mr. HELMS) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place, insert the following new title:

TITLE VIII—PRISON LITIGATION REFORM SEC. 801. SHORT TITLE.

This title may be cited as the “Prison Litigation Reform Act of 1995”.

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) **IN GENERAL.**—Section 3626 of title 18, United States Code, is amended to read as follows:

“§ 3626. Appropriate remedies with respect to prison conditions

“(a) **REQUIREMENTS FOR RELIEF.**—

“(1) **PROSPECTIVE RELIEF.**—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

“(B) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

“(2) **PRELIMINARY INJUNCTIVE RELIEF.**—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

“(3) **PRISONER RELEASE ORDER.**—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

“(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

“(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

“(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

“(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-

judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

“(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

“(E) The court shall enter a prisoner release order only if the court finds—

“(i) by clear and convincing evidence—

“(I) that crowding is the primary cause of the violation of a Federal right; and

“(II) that no other relief will remedy the violation of the Federal right; and

“(ii) by a preponderance of the evidence—

“(I) that crowding has deprived a particular plaintiff or plaintiffs of at least one essential, identifiable human need; and

“(II) that prison officials have acted with obduracy and wantonness in depriving the particular plaintiff or plaintiffs of the one essential, identifiable human need caused by the crowding.

“(F) Any State or local official or unit of government whose jurisdiction or function includes the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

“(b) TERMINATION OF RELIEF.—

“(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party—

“(i) 2 years after the date the court granted or approved the prospective relief;

“(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

“(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

“(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

“(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervenor shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

“(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

“(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

“(c) SETTLEMENTS.—

“(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court

shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

“(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

“(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy for breach of contract available under State law.

“(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

“(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

“(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

“(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

“(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

“(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under subsection (b)(4); and

“(B) ending on the date the court enters a final order ruling on the motion.

“(f) SPECIAL MASTERS.—

“(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a disinterested and objective special master, who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

“(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

“(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

“(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

“(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

“(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

“(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Federal Judiciary.

“(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

“(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

“(A) shall make any findings based on the record as a whole;

“(B) shall not make any findings or communications ex parte; and

“(C) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

“(g) DEFINITIONS.—As used in this section—

“(1) the term ‘consent decree’ means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

“(2) the term ‘civil action with respect to prison conditions’ means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

“(3) the term ‘prisoner’ means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

“(4) the term ‘prisoner release order’ includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

“(5) the term ‘prison’ means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

“(6) the term ‘private settlement agreement’ means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

“(7) the term ‘prospective relief’ means all relief other than compensatory monetary damages; and

“(8) the term ‘relief’ means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.”.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

“3626. Appropriate remedies with respect to prison conditions.”.

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the “Act”) is amended to read as follows:

“(c) The Attorney General shall personally sign any complaint filed pursuant to this section.”.

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking “he” each place it appears and inserting “the Attorney General”; and

(B) by striking “his” and inserting “the Attorney General’s”; and

(2) by amending subsection (b) to read as follows:

“(b) The Attorney General shall personally sign any certification made pursuant to this section.”.

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “he” each place it appears and inserting “the Attorney General”; and

(B) by amending paragraph (2) to read as follows:

“(2) The Attorney General shall personally sign any certification made pursuant to this section.”; and

(2) by amending subsection (c) to read as follows:

“(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.”.

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

“SEC. 7. SUITS BY PRISONERS.

“(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

“(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

“(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

“(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

“(d) ATTORNEY’S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney’s fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

“(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff’s rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

“(B) the amount of the fee is proportionately related to the court ordered relief for the violation.

“(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney’s fees awarded against the defendant. If the award of attorney’s fees is greater than 25 percent of the judgment, the excess shall be paid by the defendant.

“(3) No award of attorney’s fees in an action described in paragraph (1) shall be based on an hourly rate greater than the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

“(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney’s fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

“(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

“(f) HEARINGS.—To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner’s participation is required or permitted shall be conducted by telephone or video conference without removing the prisoner from the facility in which the prisoner is confined.

“(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

“(2) The court may, in its discretion, require any defendant to reply to a complaint commenced under this section.

“(h) DEFINITION.—As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”.

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking “his report” and inserting “the report”.

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking “his action” and inserting “the action”; and

(2) by striking “he is satisfied” and inserting “the Attorney General is satisfied”.

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “(a) Any” and inserting “(a)(1) Subject to subsection (b), any”;

(B) by striking “and costs”;

(C) by striking “makes affidavit” and inserting “submits an affidavit”;

(D) by striking “such costs” and inserting “such fees”;

(E) by striking “he” each place it appears and inserting “the person”;

(F) by adding immediately after paragraph (1), the following new paragraph:

“(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for

the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.”; and

(G) by striking “An appeal” and inserting “(3) An appeal”;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

“(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess, and when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

“(A) the average monthly deposits to the prisoner’s account; or

“(B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

“(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

“(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

“(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.”;

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (a) of this section” and inserting “subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)”;

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

“(e)(1) The court may request an attorney to represent any person unable to afford counsel.

“(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

“(A) the allegation of poverty is untrue; or

“(B) the action or appeal—

“(i) is frivolous or malicious;

“(ii) fails to state a claim on which relief may be granted; or

“(iii) seeks monetary relief against a defendant who is immune from such relief.”.

(b) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking “(f) Judgment” and inserting “(f)(1) Judgment”;

(2) by striking “cases” and inserting “proceedings”;

(3) by adding at the end the following new paragraph:

“(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

“(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

“(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.”.

(c) **SUCCESSIVE CLAIMS.**—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”.

(d) **DEFINITION.**—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(h) As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”.

SEC. 805. JUDICIAL SCREENING.

(a) **IN GENERAL.**—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

“§ 1915A. Screening

“(a) **SCREENING.**—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

“(b) **GROUND FOR DISMISSAL.**—On review, the court shall dismiss the complaint, or any portion of the complaint, if the complaint—

“(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

“(2) seeks monetary relief from a defendant who is immune from such relief.

“(c) **DEFINITION.**—As used in this section, the term ‘prisoner’ means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.”.

(b) **TECHNICAL AMENDMENT.**—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

“1915A. Screening.”.

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking “(b)” and inserting “(b)(1)”;

and

(2) by adding at the end the following:

“(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.”.

SEC. 807. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) **IN GENERAL.**—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1932. Revocation of earned release credit

“In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

“(1) the claim was filed for a malicious purpose;

“(2) the claim was filed solely to harass the party against which it was filed; or

“(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.”.

(b) **TECHNICAL AMENDMENT.**—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

“1932. Revocation of earned release credit.”.

(c) **AMENDMENT OF SECTION 3624 OF TITLE 18.**—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking “A prisoner” and inserting “Subject to paragraph (2), a prisoner”;

(ii) by striking “for a crime of violence,”; and

(iii) by striking “such”;

(C) in the third sentence, by striking “If the Bureau” and inserting “Subject to paragraph (2), if the Bureau”;

(D) by striking the fourth sentence and inserting the following: “In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree.”; and

(E) in the sixth sentence, by striking “Credit for the last” and inserting “Subject to paragraph (2), credit for the last”; and

(2) by amending paragraph (2) to read as follows:

“(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.”.

HELMS AMENDMENT NO. 2839

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill H.R. 2076, supra, as follows:

In the paragraph under the heading “ARMS CONTROL AND DISARMAMENT ACTIVITIES”, strike all after “§——” and insert the following: “*Provided*, That none of the funds appropriated or otherwise made available under this heading may be available to carry out any purpose other than—

“(1) the abolition of the United States Arms Control and Disarmament Agency on a date which is not later than 90 days after the date of enactment of this Act,

“(2) the transfer to the Secretary of State prior to the abolition of the Agency of all functions vested by law in, or exercised by, the Director of the Agency, the Agency itself, or any officer, employee, or component thereof, immediately prior to the date of transfer, and

“(3) the transfer to the Secretary of State prior to the abolition of the Agency of all personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations and other funds employed, used, held, arising from, available to, and to be made available in connection with, functions transferred under paragraph (2).”.

BRYAN (AND OTHERS)

AMENDMENT NO. 2840

Mr. BRYAN (for himself, Mr. BURNS Mr. HOLLINGS, Mr. MCCONNELL, Mr. INOUE, Mr. AKAKA, Mr. GRAHAM, Mr. MURKOWSKI, Mr. REID, Mr. BREAUX, Mr. DASCHLE, Mrs. BOXER, Mr. PRESSLER, and Mr. THURMOND.

At the appropriate place, insert the following:

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, for implementing the recommendations from the White House Conference on Travel and Tourism and for carrying out the transition of that Administration into a public-private partnership, \$12,000,000, to be transferred from the amount for deposit in the Commerce Reorganization Transition Fund (established under section 206(c)(1) of this title) that is made available in the item under the heading “COMMERCE REORGANIZATION TRANSITION FUND” under the heading “GENERAL ADMINISTRATION” under this title, notwithstanding any other provision of law.

SPECTER (AND OTHERS) AMENDMENT NO. 2841

Mr. SPECTER (for himself, Mr. COHEN, Mr. JEFFORDS, Ms. SNOWE, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 34, strike lines 1 through 7.

GREGG (AND OTHERS) AMENDMENT NO. 2842

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. DOMENICI, Mr. D'AMATO, and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place insert the following:

It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peace-keeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

KOHL (AND OTHERS) AMENDMENT NO. 2843

Mr. KOHL (for himself, Mr. COHEN, and Mr. KERRY) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 15, line 16, strike “\$282,500,000” and insert “\$202,500,000”.

On page 15, line 23, strike “\$168,280,000” and insert “\$88,280,000”.

On page 25, line 19, strike “\$100,900,000” and insert “\$130,900,000”.

On page 25, line 22, insert “\$30,000,000 shall be for the Local Crime Prevention Block Grant Program, as authorized by section 30201 of the Violent Crime Control and Law Enforcement Act of 1994,” before “\$4,250,000”.

On page 27, line 5, strike “\$50,000,000” and insert “\$30,000,000”.

On page 27, between lines 17 and 18, insert the following:

"To carry out chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, \$50,000,000, which shall be derived from the Violent Crime Reduction Trust Fund.

On page 30, line 20, strike "\$23,500,000" and insert "\$43,500,000".

On page 30, line 20, strike "\$13,500,000" and insert "\$43,500,000".

On page 30, lines 23 through 25, strike "and \$10,000,000 shall be derived from discretionary grants provided under part C of title II of the Juvenile Justice and Delinquency Prevention Act" and insert "funded by the Violent Crime Reduction Trust Fund".

On page 31, line 26, strike "\$144,000,000" and insert "\$164,000,000".

On page 32, line 5, strike "\$10,000,000" and insert "\$30,000,000".

On page 32, line 8, strike "gangs;" and insert "gangs, of which \$20,000,000 shall be derived from the discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs funded by the Violent Crime Reduction Trust Fund;"

On page 64, between lines 22 and 23, insert the following new section:

SEC. 121. EVALUATION OF CRIME PREVENTION PROGRAMS AND DEVELOPMENT OF NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY

(a) EVALUATION OF CRIME PREVENTION PROGRAMS.—The Attorney General shall provide, directly or through grants and contracts, for the comprehensive and thorough evaluation of the effectiveness of the following programs funded by this title:

(1) The Local Crime Prevention Block Grant program under subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994.

(2) The Weed and Seed Program.

(3) The Youth Gangs Program under part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL CRIME PREVENTION RESEARCH AND EVALUATION STRATEGY.—

(1) STRATEGY.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall formulate and publish a unified national crime prevention research and evaluation strategy that will result in timely reports to Congress and to State and local governments regarding the impact and effectiveness of the crime and violence prevention initiatives described in subsection (a).

(2) STUDIES.—Consistent with the strategy developed pursuant to paragraph (1), the Attorney General may use crime prevention research and evaluation funds reserved under subsection (e) to conduct studies and demonstrations regarding the effectiveness of crime prevention programs and strategies that are designed to achieve the same purposes as the programs under this section, without regard to whether such programs receive Federal funding.

(c) EVALUATION AND RESEARCH CRITERIA.—

(1) INDEPENDENT EVALUATIONS AND RESEARCH.—Evaluations and research studies conducted pursuant to this section shall be independent in nature, and shall employ rigorous and scientifically recognized standards and methodologies.

(2) CONTENT OF EVALUATIONS.—Evaluations conducted pursuant to this section shall include measures of—

(A) reductions in delinquency, juvenile crime, youth gang activity, youth substance abuse, and other high risk-factors;

(B) reductions in risk factors in young people that contribute to juvenile violence, including academic failure, excessive school absenteeism, and dropping out of school;

(C) reductions in risk factors in the community, schools, and family environments that contribute to juvenile violence; and

(D) the increase in the protective factors that reduce the likelihood of delinquency and criminal behavior.

(d) COMPLIANCE WITH EVALUATION MANDATE.—The Attorney General may require the recipients of Federal assistance under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to subsection (a), and to conduct and participate in specified evaluation and assessment activities and functions.

(e) RESERVATION OF FUNDS FOR EVALUATION AND RESEARCH

(1) IN GENERAL.—The Attorney General shall reserve not less than 2 percent, and not more than 3 percent, of the amounts appropriated to carry out the programs described in subsection (a) in each fiscal year to carry out the evaluation and research required by this section.

(2) ASSISTANCE TO GRANTEEES AND EVALUATED PROGRAMS.—To facilitate the conduct and defray the costs of crime prevention program evaluation and research, the Attorney General shall use funds reserved under this subsection to provide compliance assistance to—

(A) grantees under this programs described in subsection (a) who are selected to participate in evaluations pursuant to subsection (d); and

(B) other agencies and organizations that are requested to participate in evaluations and research pursuant to subsection (b)(2).

GRASSLEY (AND KYL)

AMENDMENT NO. 2844

Mr. GRASSLEY (for himself and Mr. KYL) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 92, insert between lines 13 and 14 the following new sections:

SEC. 305. (a) Notwithstanding any other provision of law, none of the funds made available under this title shall be used for any conference or meeting authorized under section 333 of title 28, United States Code, if such conference or meeting takes place at a location outside the geographic boundaries of the circuit court of appeals over which the chief judge presides, except in the case of the Court of Appeals for the District of Columbia Circuit, which shall be permitted to host conferences or meetings within a 50 mile radius of the District of Columbia without regard to the geographic boundaries of the circuit.

(b) Of the funds appropriated under this title, no circuit shall receive more than \$100,000 for conferences convened under section 333 of title 28, United States Code, during any year.

SEC. 306. (a) Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph, by striking "shall" the first, second, and fourth place it appears and inserting "may"; and

(2) in the second paragraph—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking "and unless excused by the chief judge, shall remain throughout the conference".

(b) In the interest of saving taxpayer dollars and reducing the cost of Government, it is the sense of the Senate that the chief judges of the various United States circuit courts should use new communications technologies to conduct judicial conferences.

(c) This section shall apply only to contracts entered into after the date of enactment of this Act.

BUMPERS (AND OTHERS)

AMENDMENT NO. 2845

Mr. BUMPERS (for himself, Mr. BROWN, and Mr. DORGAN) proposed an amendment to the bill H.R. 2076, supra, as follows:

At page 116, strike lines 3 through 7.

THE ACCELERATED CLEANUP AND ENVIRONMENTAL RESTORATION ACT OF 1995

SMITH (AND OTHERS)

AMENDMENT NO. 2846

(Ordered referred to the Committee on Environment and Public Works.)

Mr. SMITH (for himself, Mr. CHAFEE, Mr. INHOFE, Mr. KEMPTHORNE, Mr. FAIRCLOTH, Mr. BOND, Mr. THOMAS, Mr. MCCONNELL, Mr. WARNER, Mr. LOTT, and Mr. GREGG) submitted an amendment intended to be proposed by them to the bill (S. 1285) to reauthorize and amend the Comprehensive Environmental Recovery, Compensation, and Liability Act of 1980, and for other purposes, as follows:

At the end of title IX, add the following:

Subtitle B—Amendments to the Internal Revenue Code of 1986

SEC. 911. 5-YEAR EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND.

(a) EXTENSION OF TAXES.—

(1) The following provisions of the Internal Revenue Code of 1986 are each amended by striking "January 1, 1996" each place it appears and inserting "January 1, 2001":

(A) Section 59A(e)(1) (relating to application of environmental tax).

(B) Paragraphs (1) and (3) of section 4611(e) (relating to application of Hazardous Substance Superfund financing rate).

(2) Paragraph (2) of section 4611(e) of such Code is amended—

(A) by striking "1993" and inserting "1998";

(B) by striking "1994" each place it appears and inserting "1999"; and

(C) by striking "1995" each place it appears and inserting "2000".

(b) INCREASE IN AGGREGATE TAX WHICH MAY BE COLLECTED.—Paragraph (3) of section 4611(e) of such Code is amended by striking "\$11,970,000,000" each place it appears and inserting "\$22,000,000,000" and by striking "December 31, 1995" and inserting "December 31, 2000".

(c) EXTENSION OF REPAYMENT DEADLINE FOR SUPERFUND BORROWING.—Subparagraph (B) of section 9507(d)(3) of such Code is amended by striking "December 31, 1995" and inserting "December 31, 2000".

(d) EXTENSION OF TRUST FUND PURPOSES.—Subparagraph (A) of section 9507(c)(1) of such Code is amended—

(1) by striking clause (i) and inserting the following:

"(i) paragraphs (1), (2), (5), (6), (7), and (8) of section 111(a) of CERCLA as in effect on the date of the enactment of the Superfund Act of 1995,"; and

(2) by striking clause (iii) and inserting the following:

"(iii) subsections (m), (n), (q), (r), and (s) of section 111 of CERCLA (as so in effect), or".

(e) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS TO TRUST FUND.—Subsection (b) of section 517 of the Superfund Revenue Act of

1986 (26 U.S.C. 9507 note) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a comma, and by adding at the end the following new paragraphs:

- "(10) 1996, \$250,000,000,
- "(11) 1997, \$250,000,000,
- "(12) 1998, \$250,000,000,
- "(13) 1999, \$250,000,000, and
- "(14) 2000, \$250,000,000."

(f) COORDINATION WITH OTHER PROVISIONS.—Paragraph (2) of section 9507(e) of the Internal Revenue Code of 1986 is amended by striking "CERCLA" and all that follows through "Acts)" and inserting "CERCLA, the Superfund Amendments and Reauthorization Act of 1986, and the Accelerated Cleanup and Environmental Restoration Act of 1995 (or in any amendment made by any of such Acts)".

SEC. 912. CREDIT FOR CERTAIN EXPENDITURES FOR ENVIRONMENTAL RESPONSE ACTIONS.

(a) CREDIT ALLOWED.—Section 38(b) of the Internal Revenue Code of 1986 (defining current year business credit) is amended by striking "plus" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", plus", and by adding at the end the following new paragraph:

"(12) the environmental response expenditures credit determined under section 45C."

(b) ENVIRONMENTAL RESPONSE EXPENDITURES CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of such Code (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45C. ENVIRONMENTAL RESPONSE EXPENDITURES CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the environmental response expenditures credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified environmental expenditures paid or incurred by the taxpayer during the taxable year.

"(b) QUALIFIED ENVIRONMENTAL EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified environmental expenditures' means expenditures which are—

"(A) incurred in connection with environmental response actions at a mandatory allocation facility for pre-December 11, 1980 activity, and

"(B)(i) described in subparagraph (A), (B), or (D) of section 107(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)), including interest to the extent provided in such section, or

"(ii) incurred to comply with an administrative order or judicial injunction under section 106 of such Act (42 U.S.C. 9606).

"(2) DEFINITIONS.—

"(A) MANDATORY ALLOCATION FACILITY.—The term 'mandatory allocation facility' has the meaning stated in section 132(a) of such Act.

"(B) PRE-DECEMBER 11, 1980 ACTIVITY.—The term 'pre-December 11, 1980 activity' refers to activity prior to December 11, 1980, with respect to a mandatory allocation facility for which an allocation share is determined under section 132(j)(6)(B) of such Act.

"(c) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section."

(c) CREDIT ALLOWED AGAINST 90 PERCENT OF MINIMUM TAX.—

(1) IN GENERAL.—Section 38(c) of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) ENVIRONMENTAL RESPONSE CREDITS MAY OFFSET 90 PERCENT OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the environmental response credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) 10 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the environmental response credit).

"(B) ENVIRONMENTAL RESPONSE CREDIT.—For purposes of this subsection, the term 'environmental response credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 45C(a)."

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the environmental response credit" after "employment credit".

(d) DEDUCTION ALLOWED FOR UNUSED CREDIT.—Section 196(c) of such Code (defining qualified business credits) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", and", and by adding at the end the following new paragraph:

"(8) the environmental response expenditures credit determined under section 45C(a)."

(e) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45C. Environmental response expenditures credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

THE DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1996

ABRAHAM (AND HATCH) AMENDMENT NO. 2847

Mr. GRAMM (for Mr. ABRAHAM for himself and Mr. HATCH) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . DISAPPROVAL OF AMENDMENTS RELATING TO LOWERING OF CRACK SENTENCES AND SENTENCES FOR MONEY LAUNDERING AND TRANSACTIONS IN PROPERTY DERIVED FROM UNLAWFUL ACTIVITY.

In accordance with section 994(p) of title 28, United States Code, amendments numbered 5 and 18 of the "Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary", submitted by the United States Sentencing Commission to Congress on May 1, 1995, are hereby disapproved and shall not take effect.

BIDEN (AND HOLLINGS) AMENDMENT NO. 2848

Mr. GRAMM (for Mr. BIDEN for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2076, supra, as follows:

On the Committee amendment on page 28, line 8, after "for" delete "State and Local Law Enforcement Assistance Block grants pursuant to Title I of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by Section 114 of this Act);" and insert "Public Safety Partnership and Community Policing pursuant to Title I of the Violent Crime Control and Law Enforcement Act of 1994;"

On the Committee amendment on page 38, line 3, delete all after SEC. 114." through to "local sources." on page 43, line 20.

BINGAMAN AMENDMENT NO. 2849

Mr. GRAMM (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2076, supra, as follows:

AMENDMENT NO. 2849

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act.)

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be

submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

BINGAMAN AMENDMENT NO. 2850

Mr. GRAMM (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 93, between lines 9 and 10, insert the following:

And also provided, That by May 31, 1996, the State Department will report to the President and to Congress on potential cost savings generated by extending foreign service officer tours of duty in nations for which the State Department requires two-year language study programs, but specifically including China, Korea, and Japan. This study should consider extending terms on the following basis: junior officers from the current two year maximum term to a three-year tour; and mid to senior foreign service officers from the current three year minimum term to four year minimum with a possible employee-initiated one year extension.

BOXER (AND OTHERS) AMENDMENT NO. 2851

Mr. GRAMM (for Mrs. BOXER for herself, Mr. CAMPBELL, and Mr. D'AMATO) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . REPORT ON THE DOPPLER WEATHER SURVEILLANCE RADAR.

(a) STUDY REQUIRED.—The Secretary of Commerce shall conduct a study on the Doppler weather surveillance radar (WSR-88D). The study shall include the following elements:

(1) An analysis of the property value lost by property owners within 5 miles of the weather surveillance radar as a result of the construction of the weather surveillance radar.

(2) A statement of the cost of relocating a weather surveillance radar to another location in any case in which the Dept. has been asked to investigate such a relocation.

(b) REPORT.—The Secretary shall submit to Congress a report on the study required under section (a) not later than 90 days after the date of enactment of this Act.

BROWN (AND OTHERS) AMENDMENT NO. 2852

Mr. GRAMM (for Mr. BROWN, Mr. KENNEDY, and Mr. KERREY) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place in the bill, add the following new section—

“SEC. . SENSE OF THE SENATE CONCERNING BOOK DONATIONS.

It is the Sense of the Senate that the United States should continue to provide logistic and warehouse support for non-governmental, non-profit organizations undertaking donated book programs abroad, including those organizations utilizing on-line information technologies to complement the traditional hard cover donation program.”

COCHRAN AMENDMENT NO. 2853

Mr. GRAMM (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2076, supra, as follows:

At page 22, add the following at the end of line 9:

“Provided further, That no funds appropriated in this Act shall be used to privatize any federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.”

BURNS AMENDMENT NO. 2854

Mr. GRAMM (for Mr. BURNS) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 74, 18, after “Fund”, strike the period and insert the following: “, and of which \$1,200,000 shall be available for continuation of the program to integrate energy efficient building technology with the use of structural materials made from underutilized or waste products.”

COHEN (AND SNOWE) AMENDMENT NO. 2855

Mr. GRAMM (for Mr. COHEN for himself and Ms. SNOWE) proposed an amendment to the bill H.R. 2076, supra, as follows:

Page 117, line 5 is amended by inserting after “academies” and before the colon, the following: “and may be transferred to the Secretary of Interior for use as provided in the National Maritime Heritage Act (P.L. 103-451).”

COVERDELL (AND OTHERS) AMENDMENT NO. 2856

Mr. GRAMM (for Mr. COVERDELL for himself, Mr. DOLE, Mr. NUNN, Mr. STEVENS, and Mr. INOUE) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 110, between lines 2 and 3, insert the following:

SEC. 405. FUNDS FOR THE TENTH PARALYMPIAD GAMES.

Of the aggregate amount appropriated under this title for the United States Information Agency under the headings “SALARIES AND EXPENSES”, “EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS”, and “INTERNATIONAL BROADCASTING OPERATIONS”, \$5,000,000 shall be available only for the Tenth Paralympiad games for individuals with disabilities, scheduled to be held in Atlanta, Georgia, in 1996, consistent with section 242 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2452 note).

COVERDELL AMENDMENT NO. 2857

Mr. GRAMM (for Mr. COVERDELL) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

DODD (AND HOLLINGS) AMENDMENT NO. 2858

Mr. GRAMM (for Mr. DODD for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 29, line 7, strike “\$750,000,000” and insert “\$2,000,000 for the Ounce of Prevention Council pursuant to subtitle A of title III of the Violent Crime Control and Law Enforcement Act (Public Law 103-322); \$748,000,000”.

On page 102, line 12, strike “\$5,550,000” and insert “\$5,800,000”.

On page 102, line 18, strike “\$14,669,000” and insert “\$15,119,000”.

At the appropriate place in title IV, insert the following new section:

SEC. 4 . GREAT LAKES FISHERY COMMISSION.

Notwithstanding any other provision of law—

(1) the Department of State shall continue to carry out its authority, function, duty, and responsibility in the conduct of foreign affairs of the United States in connection with the Great Lakes Fishery Commission in the same manner as that Department has carried out that function, duty, and responsibility since the Convention on Great Lakes Fisheries between the United States and Canada entered into force on October 11, 1955; and

(2) the authority, function, duty, and responsibility of the Department of State referred to in paragraph (1) shall not be transferred to any other Federal agency or terminated during any fiscal year in which the Convention referred to in paragraph (1) is in force.

FEINSTEIN AMENDMENT NO. 2859

Mr. GRAMM (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 28, lines 22 and 23, strike “by section 501 of the Immigration Reform and Control Act of 1986” and insert “by section 242(j) of the Immigration and Nationality Act”.

On page 64, between lines 22 and 23, insert the following:

SEC. 121. Notwithstanding any other provision of law, amounts appropriated for fiscal year 1996 under this Act to carry out section 242(j) of the Immigration and Nationality Act shall be allocated by the Attorney General in a manner which ensures that each eligible State and political subdivision of a State shall be reimbursed for their total aggregate costs for the incarceration of undocumented criminal aliens during fiscal years 1995 and 1996 at the same pro rata rate.

GORTON AMENDMENT NO. 2860

Mr. GRAMM (for Mr. GORTON) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 85, line 14, add the following new section:

SEC. 207. None of the funds appropriated under this Act or any other law shall be used to implement subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.

GRAHAM AMENDMENT NO. 2861

Mr. GRAMM (for Mr. GRAHAM) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

On page 12, between lines 2 and 3, insert the following:

COMMUNITY RELATIONS SERVICE SALARIES AND EXPENSES

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$10,638,000: *Provided*, That such additional funds as may be necessary for the resettlement of Cuban and Haitian entrants shall be available to the Community Relations Service, without fiscal year limitation, to be reimbursed from the Immigration Examinations Fee Account: *Provided further*, That, notwithstanding any other provision of this Act, the funds made available pursuant to this Act under the heading "Federal Bureau of Investigation, Salaries and Expenses," shall be reduced by \$11,170,000.

On page 12, after line 2, insert the following:

COMMUNITY RELATIONS SERVICE SALARIES AND EXPENSES

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$10,638,000: *Provided*, That such additional funds as may be necessary for the resettlement of Cuban and Haitian entrants shall be available to the Community Relations Service, without fiscal year limitation, to be reimbursed from the Immigration Examinations Fee Account: *Provided further*, That, notwithstanding any other provision of this Act, the funds made available pursuant to this Act under the heading "Federal Bureau of Investigation, Salaries and Expenses," shall be reduced by \$11,170,000.

GRAHAM (AND OTHERS) AMENDMENT NO. 2862

Mr. GRAMM (for Mr. GRAHAM for himself, Mr. MACK, and Mr. SIMON) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

Page 19, strike line 7 through line 17 and insert the following: *Provided further*, That the Office of Public Affairs at the Immigration Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration Naturalization Service: *Provided further*, That the Office of Congressional Relations at the Immigration and Naturalization Service conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant Congressional committees on proposed legislation affecting immigration matters.

HATCH (AND OTHERS) AMENDMENT NO. 2863

Mr. GRAMM (for Mr. HATCH for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, Mr. HARKIN, Mr. SARBANES, Mr. STEVENS, and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

Before the period at the end of the paragraph under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS", insert the following: "Provided further, That funds appropriated or otherwise made available under this heading may be available for the International Labor Organization".

HATCH AMENDMENT NO. 2864

Mr. GRAMM (for Mr. HATCH) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

At the appropriate place insert:

SECTION 1. FUNDS TO TRANSPORTATION OF ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION.

Section 1344(b)(6) of title 31, United States Code, is amended to read as follows:

"(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, and the Administrator of the Drug Enforcement Administration";

HELMS (AND PELL) AMENDMENT NO. 2865

Mr. GRAMM (for Mr. HELMS for himself and Mr. PELL) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

At the appropriate place insert:

Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete "may pay a reward" and insert in lieu thereof "shall establish and publicize a program under which rewards may be paid".

HOLLINGS (AND OTHERS) AMENDMENT NO. 2866

Mr. GRAMM (for Mr. HOLLINGS for himself, Mr. ABRAHAM, Mr. LEVIN, Mr. LUGAR, Mr. GLENN, Mr. SIMON, Mr. KOHL, and Mr. LEAHY) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

On page 76, line 20 strike "\$55,500,000" and insert in lieu thereof "\$62,000,000".

BURNS AMENDMENT NO. 2867

Mr. GRAMM (for Mr. BURNS) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

On page 74, line 18, after "Fund", strike the period and insert the following: ", and of which \$1,200,000 shall be available for continuation of the program to integrate energy efficient building technology with the use of structural materials made from underutilized or waste products."

LEAHY (AND JEFFORDS) AMENDMENT NO. 2868

Mr. GRAMM (for Mr. LEAHY, for himself and Mr. JEFFORDS) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

At the appropriate place, insert the following new section:

SEC. . TRANSFER OF TITLE TO THE RUTLAND CITY INDUSTRIAL COMPLEX.

Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration Project Number 01-11-01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

MACK (AND GRAMM) AMENDMENT NO. 2869

Mr. GRAMM (for Mr. MACK, for himself and Mr. GRAMM) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

Notwithstanding any other provision in this Act, the amount for the East-West Center shall be \$18,000,000.

On page 116 of the bill, on line 1, strike "\$1,000,000" and insert "\$4,000,000".

MCCAIN (AND DORGAN) AMENDMENT NO. 2870

Mr. GRAMM (for Mr. MCCAIN, for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

At the appropriate place, insert the following, "Provided further, That of the funds made available under this act or any other Act, no funds shall be expended by the Director of the Administrative Office of the U.S. Courts to implement the National Fine Center prior to March 1, 1996, except for the funds necessary to maintain National Fine Center services at their current level, to complete the conversion of existing cases for the courts participating in the National Fine Center as of the date of enactment of this Act, and to complete the Linked Area network pilot projects in progress as of the date of enactment of this Act."

MCCAIN AMENDMENT NO. 2871

Mr. GRAMM (for Mr. MCCAIN) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

On page 121, after line 24, add the following:

SEC. . It is the Sense of the Senate that the President of the United States should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and seek the advice and consent of the Senate for any treaty modifications.

SHELBY AMENDMENT NO. 2872

Mr. GRAMM (for Mr. SHELBY) proposed an amendment to the bill H.R. 2076, *supra*, as follows:

At the appropriate place, insert the following:

SEC. . LAND TRANSFER.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in

accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the "Central Foundry Property", as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

INOUE (AND OTHERS) AMENDMENT NO. 2873

Mr. GRAMM (for Mr. INOUE for himself, Mr. LOTT, Mr. BREAUX, Mr. STEVENS, Mr. ROBB, Mr. JOHNSTON, Ms. MIKULSKI, and Mr. COCHRAN) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 113, line 24, strike "\$330,191,000," and insert "\$284,191,000."

On page 114, line 3, after "exceed" insert "\$29,000,000 may be used for necessary expenses of Radio Free Europe/Radio Liberty, of which not more than".

On page 99, line 26, strike "\$250,000,000," and insert "\$225,000,000".

On page 116, between lines 12 and 13, insert the following:

MARITIME SECURITY

For necessary expenses of maritime security services authorized by law, \$46,000,000, to remain available until expended.

On page 117, line 5, strike "academies;" and insert "academies and may be transferred to the Secretary of the Interior for use in the National Maritime Heritage Grant Program:".

On page 117, strike lines 12 through 24 and insert the following:

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$25,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$500,000,000.

COVERDELL AMENDMENT NO. 2874

Mr. GRAMM (for Mr. COVERDELL proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 110, between lines 2 and 3, insert the following:

SEC. . It is the sense of Congress that, in order to facilitate enhanced command and control of Department of Defense counter-drug activities in the Western Hemisphere, the President should designate the commander of one unified combatant command established under chapter 6 of title 10, United States Code, to perform the mission of carrying out all counter-drug operations of the Department of Defense in the areas of the Western Hemisphere that are south of the southern border of the United States, including Mexico,

and the areas off the coasts of Central America and South America that are within 300 miles of such coasts. But not to include the Caribbean Sea.

COCHRAN (AND OTHERS) AMENDMENT NO. 2875

Mr. GRAMM (for Mr. COCHRAN, for himself, Mr. LOTT, and Mr. HEFLIN) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 76, line 25, insert before the period the following: "": *Provided further*, That the National Weather Service shall expend not more than \$700,000 to operate and maintain Agricultural Weather Service Centers".

JEFFORDS (AND OTHERS) AMENDMENT NO. 2876

Mr. GRAMM (for Mr. JEFFORDS for himself, Mr. LEVIN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. LEAHY, Mr. D'AMATO, Mr. GLENN, Mr. ROCKEFELLER, Mr. PELL, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 68, line 19, insert " ", \$7,500,000 of which shall be for trade adjustment assistance" after "\$89,000,000".

PRYOR (AND SNOWE) AMENDMENT NO. 2877

Mr. GRAMM (for Mr. PRYOR, for himself, and Ms. SNOWE) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE CONGRESS ON ECONOMIC DEVELOPMENT ADMINISTRATION.

(a) FINDINGS.—The Congress finds that—

(1) assistance from the Economic Development Administration (hereafter in this section referred to as the "EDA") within the Department of Commerce is an investment in the economic vitality of the United States;

(2) funding for the EDA within the Department of Commerce is reduced by almost 80 percent in this Act;

(3) the EDA serves a unique governmental function by providing grants, which are matched by local funds, to distressed urban and rural areas that would not otherwise receive funding;

(4) every EDA \$1 invested generates \$3 in outside investments, and during the past 30 years preceding the date of enactment of this Act, the EDA has invested more than \$15,600,000,000 in depressed communities, creating 2,800,000 jobs in the United States;

(5) the EDA is one of a very few governmental agencies that assists communities impacted by military base closings and defense downsizing;

(6) the EDA has—
(A) become a more efficient and effective agency by reducing regulations by 60 percent;

(B) trimmed the period for application processing down to a 60-day period; and

(C) reduced its operating expenses; and
(7) the House of Representatives, on July 26, 1995, voiced strong bipartisan support for the EDA by a vote of 315 to 110.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the appropriation for the EDA for fiscal year 1996 should be at the House of Representatives-passed level of \$348,500,000.

DOLE (AND PRESSLER) AMENDMENT NO. 2878

Mr. GRAMM (for Mr. DOLE for himself and Mr. PRESSLER) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) RESTRICTIONS.—Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) is amended by striking subsection (e) and inserting the following:

"(e) CERTIFICATION.—A certification described in this subsection is a certification by the President to Congress of his determination that:

"(1) the elected Government of Kosova is exercising its legitimate right to democratic self-government, and the political autonomy of Kosova, as exercised prior to 1984 under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, has been restored;

"(2) systematic violations of the civil and human rights of the people of Kosova, including institutionalized discrimination and structural repression, have ended;

"(3) monitors from the Organization for Security and Cooperation in Europe, other human rights monitors, and United States and international relief officials are free to operate in Kosova and Serbia, including the Sandjak and Vojvodina, and enjoy the full cooperation and support of Serbia and local authorities;

"(4) full civil and human rights have been restored to ethnic non-Serbs in Serbia, including the Sandjak and Vojvodina;

"(5) the Federal Republic of Yugoslavia has halted aggression against the Republic of Bosnia and Herzegovina;

"(6) the Federal Republic of Yugoslavia has terminated all forms of support, including manpower, arms, fuel, financial subsidies, and war material, by land or air, for Serbian separatists and their leaders in the Republic of Bosnia and Herzegovina and the Republic of Croatia;

"(7) the Federal Republic of Yugoslavia has extended full respect for the territorial integrity and independence of the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the former Yugoslav Republic of Macedonia; and

"(8) the Federal Republic of Yugoslavia has cooperated fully with the United Nations war crimes tribunal for the former Yugoslavia, including by surrendering all available and requested evidence and those indicted individuals who are residing in the territory of Serbia and Montenegro.".

(b) FOREIGN ASSISTANCE ACT AMENDMENT.—Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by inserting "Serbia and Montenegro," after "Cuba,".

(c) CONFORMING AMENDMENT.—Section 1511(a) of such Act is amended by striking "subsections (d) and (e)" remain in effect until changed by law" and inserting "subsection (d) remain in effect until the certification requirements of subsection (e) have been met".

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the conditions specified in section 1511(e) of the National Defense Authorization Act for Fiscal Year 1994, as amended by this section, should also be applied by the United Nations for the termination of sanctions against Serbia and Montenegro.

FEDERAL SENTENCING GUIDE- LINES AMENDMENTS DIS- APPROVAL ACT

KENNEDY AMENDMENT NO. 2879

Mr. COATS (for Mr. KENNEDY) proposed an amendment to the bill (S.